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#17 DAC/3362

PATENT
03475-P0001A WWW/SBS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	Hans Poisel
Serial No. 09/194,049	Filing Date: November 23, 1998
Title of Application:	Device For Receiving Optical Signals By Means Of A Light-Guiding Object
Group Art Unit:	3662
Examiner	Nelson Moskowitz

Assistant Commissioner for Patents
Box DAC
Washington, DC 20231

**Petition for Revival of an Application for Patent
Abandoned Unintentionally under 37 CFR 1.137(b)**


Dear Sir:

The above-identified application became abandoned for failure to file a timely and proper response to the Final Office Action mailed on March 9, 2001, which set a three-month period for response. The abandonment date of this application is June 10, 2001 (i.e., the day after the expiration date of the period set for response plus any extensions of time obtained therefore).

Applicant Hereby Petitions for Revival of This Application

Mailing Certificate: I hereby certify that this correspondence is today being deposited with the U.S. Postal Service as Express Mail No. EL 889 838 863 US in an envelope addressed to: Assistant Commissioner for Patents; Box DAC, Washington, DC 20231.

January 21, 2003


Charlotte Hanulik

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1. **Petition Fee.** Enclosed is a check in the sum of \$1,300.00. If there is any fee deficiency, please charge Account No. 19-4516.

2. **Proposed Response.** The proposed response to the above noted Final Office Action in the form of a Continued Prosecution Application (including a Preliminary Amendment addressing the issues set forth in the Final Office Action) along with a check in the sum of \$750.00 is enclosed herewith.

3. **Verified Statement.** Because this petition pursuant to 37 CFR 1.137(b) was not filed within 3 months of the date the applicant was first notified that the application was abandoned and within one year of abandonment, further information as to the cause of the delay between the date the applicant was first notified that the application was abandoned and the date this petition is being filed, and how such delay was unintentional, is being provided pursuant to MPEP 711.03(c).

(a) The delay caused by the abandonment of the application was unintentional.

(b) I am a member of the law firm St. Onge Steward Johnston & Reens LLC (hereinafter referred to as SSJR), and am the attorney of record in the subject patent application.

(c) SSJR took over prosecution of the subject patent application from the prior attorney of record. Despite our filing a new power of attorney, the Final Office Action and the Notice of Abandonment were mailed directly to the Applicant.

(d) In October of 2001, we received the Notice of Abandonment, which stated that the subject patent application had been abandoned for failure to respond to the above-noted Final Office Action. We received this Notice from the Applicant along with instructions to revive the application.

(e) The documents received from the Applicant were put in the file; however, the documents were not docketed per our office procedure. It was not until the Applicant inquired about the status of the application that we discerned that the application had not yet been revived.

(f) Although it has been approximately 1 year since SSJR became aware that the subject application had been abandoned, the delay in filing this petition was completely unintentional and was solely caused by a clerical mistake.

(g) The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,



Wesley W. Whitmyer, Jr., Registration No. 33,558
Todd M. Oberdick, Registration No. 44,268
Attorneys for Applicant
ST.ONGE STEWARD JOHNSTON & REENS LLC
986 Bedford Street
Stamford, CT 06905-5619
203 324-6155

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